

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF SOUTH CAROLINA

IN RE:)	
)	Bankruptcy Case No.: 04-09185-W
JOHN WESLEY HOLDEN and)	
DELORES S. HOLDEN,)	Chapter 7
)	
Debtors.)	
_____)	

TO: All Creditors and Parties in Interest

**NOTICE AND APPLICATION FOR SALE OF PROPERTY
FREE AND CLEAR OF LIENS**

YOU ARE HEREBY NOTIFIED that the Trustee in this case proposes to sell the property herein described according to the terms and conditions stated below.

TAKE FURTHER NOTICE that any response, return and/or objection to this application, should be filed with the Clerk of the Bankruptcy Court no later than twenty (20) days from service of motion/application and a copy simultaneously served on all parties in interest.

TAKE FURTHER NOTICE that no hearing will be held on this application unless a response, return and/or objection is timely filed and served, in which case, the Court will conduct a hearing on **November 23, 2004 at 10:00 a.m.**, at the United States Bankruptcy Court, 145 King Street, Suite 225, Charleston, South Carolina. No further notice of this hearing will be given.

TYPE OF SALE: Private sale.

PROPERTY TO BE SOLD: 1004 Mount McKinley Drive, Summerville, SC 29483-3308

NOTICE: THE TRUSTEE IS SELLING THE ABOVE-REFERENCED PROPERTY "AS IS," WITHOUT ANY WARRANTIES WHATSOEVER INCLUDING, BUT NOT LIMITED TO, WARRANTY AS TO TITLE. THE BUYER AGREES TO RECEIVE THE PROPERTY WITH ALL FAULTS. THE TRUSTEE MAKES NO WARRANTY, EXPRESS OR IMPLIED, REGARDING THE PROPERTY, AND SPECIFICALLY EXCLUDES ANY IMPLIED WARRANTY OF MERCHANTABILITY AND ANY IMPLIED WARRANTY OF FITNESS FOR A PARTICULAR USE. THE BUYER SHOULD HAVE THE TITLE TO THE REAL PROPERTY RESEARCHED BEFORE THE CONSUMMATION OF THE SALE. THE TRUSTEE DOES NOT PROVIDE LIEN OPINIONS.

THE BUYER HAS BEEN GIVEN THE OPPORTUNITY TO EXAMINE THE PROPERTY BEFORE SIGNING ANY CONTRACT OR SUBMITTING A BID TO PURCHASE THE PROPERTY, AND TO PERFORM SUCH TESTING, IF APPLICABLE, TO DETECT POSSIBLE LATENT DEFECTS.

PRICE: \$324,000.00 (cash or certified funds)

APPRAISAL VALUE: \$324,000.00 per Trustee's sales agent.

BUYER: Carolina Royale, Ltd. or its assigns
8605 Fox Hollow Road
N. Charleston, SC 29420-7440

(The Buyer does not have any known adverse interest to this case or any parties involved in the case, including the Chapter 7 Trustee and the U.S. Trustee's office. The Buyer is not related to the Debtors and is not a creditor of the Debtors.)

PLACE, DATE AND TIME OF SALE: This sale shall take place as soon as possible following the entry of the Order Approving the Sale by the U. S. Bankruptcy Court at a date, place and time to be agreed upon by the parties.

SALES AGENT/AUCTIONEER/BROKER/ETC.: Gail Johnson, Prudential Carolina Real Estate, 1825 Trolley Road, Summerville, SC 29485, (843) 871-9000. Please call this Agent with any questions you may have regarding the sale.

COMPENSATION TO SALES AGENT/AUCTIONEER/BROKER/ETC.: \$19,440.00= six (6%) percent of the gross sales proceeds. Please note that this amount may increase if the sales price increases.

EXPENSES OF SALE: Normal seller's closing costs estimated to be \$3,240.00 or 1% of the gross sales price.

ESTIMATED TRUSTEE'S COMPENSATION: Reasonable compensation to be determined by the Court but not to exceed the limits set in 11 U.S.C. §326(a), in an allowed amount of \$19,450.00.

LIEN(S) ENCUMBERING PROPERTY: The sale is free and clear of all liens, encumbrances and judgments. This sale is subject to any easements or restrictions of record. There is a valid first mortgage lien held against this real property by Wells Fargo Bank, N.A. which is owed approximately \$253,000.00. This obligation shall be paid in full at closing. Dorchester County real property taxes are a lien against this real property and shall be pro-rated through the date of closing.

DEBTORS' EXEMPTION: \$10,000.00

PROCEEDS ESTIMATED TO BE PAID TO ESTATE: \$38,320.00

Applicant is informed and believes that it would be in the best interest of the estate to sell said property by private sale. Applicant also believes that the funds to be recovered for the estate from the sale of said property justify its sale and the filing of this application.

The court may consider additional offers at any hearing held on this notice and application for sale. The court may order at any hearing that the property be sold to another party on equivalent or more favorable terms.

Applicant requests that the ten (10) day stay pursuant to Fed.R.Bankr.P. 6004(g) be waived in this matter and that upon the entry of the Order the Trustee be allowed to immediately enforce and implement the terms of said Order.

The Trustee may seek appropriate sanctions or other similar relief against any party filing a spurious objection to this notice and application.

WHEREFORE, applicant requests the court issue an order authorizing sale of said property and such other and further relief as may be proper.

MT. PLEASANT, SOUTH CAROLINA
Dated: October 1, 2004

/s/ Kevin Campbell
KEVIN CAMPBELL, Trustee
Post Office Box 684
Mt. Pleasant, South Carolina 29465
(843) 884-6874 / 884-0997 (fax)
District Court I.D. 30

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF SOUTH CAROLINA

IN RE:)
)
JOHN WESLEY HOLDEN and) B/K Case No. 04-09185-W
DELORES S. HOLDEN,) Chapter 7
)
)
Debtors.)

CERTIFICATE OF MAILING

I, Stefanie E. Charles, Legal Assistant to Kevin Campbell, Chapter 7 Bankruptcy Trustee,
hereby certify that I have this day mailed a true and correct copy of the following:

**NOTICE AND APPLICATION FOR SALE OF ASSET
FREE AND CLEAR OF LIENS and Proposed ORDER APPROVING SALE
(1004 Mount McKinley Drive, Summerville, SC 29483-3308)**

by mailing said copies by United States mail, with proper postage affixed thereto and addressed
to the following parties and those on the attached mailing matrix.

Gail Johnson
Prudential Carolina Real Estate
1825 Trolley Road
Summerville, SC 29485

Carolina Royale, Ltd.
8605 Fox Hollow Road
N. Charleston, SC 29420

The United States Trustee's Office, 1835 Assembly St., Ste. 953, Columbia, SC 29201 was
served electronically.

/s/ Stefanie E. Charles
STEFANIE E. CHARLES, Legal Assistant
Kevin Campbell, Trustee
Post Office Box 684
Mt. Pleasant, SC 29465
(843) 884-6874/ (843) 884-0997 fax

Mt. Pleasant, South Carolina
Dated: October 1, 2004

AMCA
P.O. Box 1235
Elmsford, NY 10523-0935

Bank One
Cardmember Service
PO BOX 15153
Wilmington, DE 19886-5153

Blaton's Heating Company
187 Pecan Drive
Summerville, SC 29483

C.W. Wimberly, M.D.
119 President Cirlice
Summerville, SC 29485

Capital One
P.O. BOX 85147
Richmond, VA 23276

Capital One
PO Box 85184
Richmond, VA 23285-5184

Carpenter Enterprises, Inc.
d/b/a Port City Paper
2841 Carner Ave.
N. Charleston, SC 29405

Christine Buzzell
107-D Timber Lane
Summerville, SC 29485

Citadel Communication Corp
4230 Faber Place Drive
Suite 100
North Charleston, SC 29405

Clean Air of Carolina
82 Dungannon Hall
Johns Island, SC 29455

CW Wimberly and Steve Lipscomb
119 President Circle
Summerville, SC 29483

Delores S. Holden
1004 Mt. McKinley Drive
Summerville, SC 29483

Dorchester County Solid Waste Dept.
P.O. Box 69
Dorchester, SC 29437-0009

DR. C.W. Wimberely
119 Presidents Circle
Summerville, SC 29483

Duncan Institutional Foods
PO BOX 71243
Charleston, SC 29415

Elizabeth H. McCullough
PO Box 1799
1201 Main Street Suite 1800
Columbia, SC 29202

Express Merchant Processing Services
1307 Walt Whitman Road
Melville, NY 11747

Felix B. Clayton
P.O. Box 62529
Charleston, SC 29419-2529

Finkel & Altman, LLC
for Deutsche Bank
P.O. Box 71727
N. Charleston, SC 29415

First Federal
PO Box 118068
Charleston, SC 29423-8068

FNB of South Carolina
801 Gilway Avenue
Holly Hill, SC 29059-0038

Founders Federal Credit Union
607 North Main Street
Lancaster, SC 29720

Gamble, Givens, Moody LLC
133 East First North Street
Suite 9
Summerville, SC 29483

Good Year
Processing Center
Des Moines, IA 50364-0001

Grainger
7401 Pepperdam Ave
North Charleston, SC 29418-8434

Heritage Trust Master Card
P.O. Box 31552
Tampa, FL 33631-3552

Holliday Amusement Co. Inc.
1808 Meeting Street
N. Charleston,, SC 29405

Home Depot
PO Box 9100
Des Moines, IA 50368-9100

Hutto Refrigeration Sales & Service, LLC
3103 Meeting Street
N. Charleston, SC 29405

IRS
1 Poston Road
Suite 220
Charleston, SC 29407

IRS
Chief, Insolvency Group 4
1835 Assembly Street
Stop MDP 39
Columbia, SC 29201

Janet Elliget
Low Country Cleaners Services
Summerville, SC 29485

Jessica E. Baker
106 Glebe Road
Summerville, SC 29485

John Wesley Holden
1004 Mt. McKinley Drive
Summerville, SC 29483

Laboratory Corp. of America
P.O. Box 2240
Burlington, NC 27216-2240

Larry Edwin Robertson, Jr.
9989 Dorchester Road Apt.
Summerville, SC 29485

Laura R. Morga
106 Glebe Road
Summerville, SC 29485

LCA Collections
P.O. box 2240
Burlington, NC 27216-2240

Magistrate's Court
212 Deming Way
Box 10
Summerville, SC

Mary Ellen Forsyth
1925 Bacons Bridge Road. #54
Summerville, SC 29485

NU VOX Communication of SC
5969 Collection Center Drive
Chicago, IL 60693-0059

Paula Boudreau
739 Hamlet Circle
Goose Creek, SC 29455

Princeton Insurance Company
W0715
PO BOX 7777
Philadelphia, PA 19175-0715

Qubica USA
8800 Strike Lane
Bonita Springs, FL 34135

Rock 300
2117 Knickerbocker
San Angelo, TX 76904

Ruby H. Stover
5233 Stoneboro Road
heath Springs SC

S.C. Employment Security Commission
P.O. Box 7163
Columbia, SC 29202

SC Department of Revenue
Revenue Litigation Section
P.O. Box 125
Columbia, SC 29214

SCFCU
PO BOX 190012
North Charleston, SC 29419-9012

Sears
PO Box 182149
Columbus, OH 43218-2149

Star Business Systems
PO BOX 1331
Gainesville, TX 76241-1331

Sullivan Company LLC
PO BOX 2910
Greenville, SC 29602-2910

Summerville Journal Scene
PO Box 715
104 East Dotty Street
Summerville, SC 29484

The Summit Landowners Assoc.
5277 Alpine Drive
Summerville, SC 29483

Thorne Brooks & Shapie
500 Penn Street 2nd floor
Reading, PA 19602

Tommy Elliget
211 Travelers Rest Blvd
Summerville, SC 29485

US Polychemical HC
584 Chestnut Ridge Road
Chestnut Ridge, NY 10977

Utility Collections LTD
P.O. Box 212489
Augusta, GA 30917-4747

Valentine & Kebartas, Inc.
P.O. Box 325
Lawrence, MA 01842

Wells Fargo Bank, N.A., successor by merger to Wells
Fargo Bank, N.A., c/o McCalla Raymer, et al.
Bankruptcy Department
1544 Old Alabama Road
Roswell, GA 30076

Wells Fargo Bank, N.A., successor by merger to Wel
McCalla, Raymer, Padrick, Cobb, Nichols
& Clark, LLC
Roswell, GA 30076